

CASE MANAGEMENT AND THE CIVIL ADR PROGRAM PACKET

All cases pending a case management conference and all new filings in 2006 are subject to the court's case management and alternative dispute resolution procedures. For the complete policies that are now in effect, litigants and their counsel should review and be familiar with that material now on the court's website: www.yolocourts.com.

This packet contains:

1. The Case Management Conference policies
2. The ADR Information Sheet for the Yolo County Superior Court
3. An Order to Continue Case Management Conference and Stipulation to Attend ADR form

This and other information and local forms are available on the court's website: www.yolocourts.com

NOTE: This complete packet must be served on the opposing party(ies) together with the complaint. (CRC 201.9)

Clerk of the Court

Yolo County Superior Court

725 Court Street, Room 103

Woodland, CA 95695

530 406 6704

YOLO COUNTY SUPERIOR COURT CIVIL ADR PROGRAM

ADR Information Sheet

The court requires that all counsel provide a copy of this Information Sheet to their clients. On our website (www.yolocourts.com) you can learn more about ADR and the litigation process by going to the Civil ADR Program Home Page, the Judicial Arbitration Home Page, and the ADR and Case Management Home Page. At each of these links (underlined) you will find additional links to information and forms that can be copied or downloaded for your use.

Recognizing that many civil disputes can be resolved without the time and expense of traditional civil litigation, the Yolo County Superior Court strongly encourages parties in civil cases to explore and pursue the use of Alternative Dispute Resolution.

What is Alternative Dispute Resolution?

Alternative Dispute Resolution (ADR) is the general term applied to a wide variety of dispute resolution processes which are alternatives to lawsuits. Types of ADR processes include arbitration, mediation, neutral evaluation, mini-trials, settlement conferences, private judging, negotiation, and hybrids of these processes. All ADR processes offer a partial or complete alternative to traditional court litigation for resolving disputes. At the present time, the Yolo County Superior Court offers mediation and arbitration.

What are the advantages of using ADR?

ADR, particularly mediation, can have a number of advantages over traditional court litigation.

- **ADR can save time.** Even in a complex case, a dispute can be resolved through ADR in a matter of months or weeks, while a lawsuit can take years.
- **ADR can save money.** By producing earlier settlements, ADR can save parties and courts money that might otherwise be spent on litigation costs (attorneys fees and court expenses.)

- **ADR provides more participation.** Parties have more opportunity with ADR to express their own interests and concerns, while litigation focuses exclusively on the parties' legal rights and responsibilities.
- **ADR provides more control and flexibility.** Parties can choose the ADR process most appropriate for their particular situation and that will best serve their particular needs.
- **ADR can reduce stress and provide greater satisfaction.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere found in litigation. Surveys of disputants who have gone through ADR have found that satisfaction with ADR is generally high, especially among those with extensive ADR experience.

Arbitration and Mediation

Although there are many different types of ADR processes, the forms most commonly used to resolve disputes in California state courts are Arbitration, Mediation, Neutral Evaluation and Private Settlement Conferences. The Yolo County Superior Court currently offers pre-screened panelists with experience and training in each of the following areas.

1. **Arbitration.** An arbitrator hears evidence presented by the parties, makes legal rulings, determines facts and makes an arbitration award. Arbitration awards may be entered as judgments in accordance with the agreement of the parties or, where there is no agreement, in accordance with California statutes. Arbitrations can be binding or non-binding, as agreed by the parties in writing.
2. **Mediation.** Mediation is a voluntary, informal, confidential process in which the mediator, a neutral third party, facilitates settlement negotiations. The mediator improves communication by and among the parties, helps parties clarify facts, identify legal issues, explore options and arrive at a mutually acceptable resolution of the dispute.

A full description of these processes is found in the court's website:

www.yolo.courts.ca.gov

Litigants are encouraged to use an ADR process as early in the case as circumstances permit. All appropriate cases will be reviewed for referral to ADR at the Case Management Conference.

ADR Procedures for the Yolo County Superior Court

1. Upon filing a Complaint, the Plaintiff will receive this information sheet from the Superior Court Clerk. **Plaintiff is required to include the ADR Information Sheet when he or she serves the Complaint on the Defendant.**
2. All parties to the dispute may voluntarily agree to take the matter to an ADR process. Stipulations for this procedure are provided on-line. (See Civil ADR Program Forms.) Parties choose and contact their own ADR provider. A Panelist List is available on-line.
3. An initial Case Management Conference (“CMC”) will be scheduled within 120 days of the filing of the Complaint. An original and copy of the Case Management Conference Statement must be completed and provided to the court clerk no later than 15 days prior to the scheduled conference. The Yolo County Superior Court Case Management Judge will strongly encourage all parties and their counsel to consider and utilize ADR procedures and/or to meet with the ADR Administrator and staff where appropriate.
4. If the parties agree to ADR before the CMC and file the form Order to Continue Case Management Conference and Stipulation to Attend ADR the scheduled CMC will be vacated to allow for the ADR process to conclude within 90 days. In these cases (other than judicial arbitration), the CMC will be continued for case management/status review 90 - 100 days after the original CMC date. If the case is resolved through ADR, the status review date may be vacated if the court receives a dismissal or judgment.
5. If the parties voluntarily agree to ADR at the CMC, the parties will be required to sign a Stipulation and Order to ADR.
6. At the Case Management Conference the court will review all scheduled cases for their suitability for referral to ADR. Please review the link to know the subjects and procedures at the CMC. Attendance in person or by phone at both the CMC and the ADR conference is mandatory.
7. **Any ADR Services shall be paid for by the parties** pursuant to a separate ADR fee agreement.

NOTE: At the CMC, all appropriate cases will be set for trial. Be prepared to do this. See, Case Management Conference.

8. Local Court Rules require your cooperation in evaluating the ADR program and the court will expect a brief Client Evaluation form and Evaluation by Attorney form to be completed and submitted **within 10 days of completion of the process.**

Information:

For a description of the CMC policies and for ADR forms go to Case Management Conference and Civil ADR Program Forms links on the court's web site: www.yolo.courts.ca.gov

You may also use the **Contact Us** link on the web site.

ATTACH TO PACKET A COPY OF EACH

Case Management Statement Form

New Page

Order to Continue Case Management Conference and Stipulation to Attend ADR

New page

Stipulation and Order to ADR Form

New page

Superior Court of California, County of Yolo 725 Court Street Woodland, Ca. 95695 530-406-6704	For Court Use Only
Plaintiff(s): Vs. Defendant(s):	Case No:
<p align="center">Stipulation to Continue Case Management Conference to Attend ADR</p> <p align="center">Notice: This stipulation must be submitted at least 15 days before the case management conference</p>	

Counsel and the parties certify they have met and conferred on the subjects set forth in Rule of Court 212(b), including the selection of an alternative dispute resolution(ADR) process: [check one]

- | | |
|--|--|
| <input type="checkbox"/> Mediation(RME) | <input type="checkbox"/> Judicial Arbitration(NAA) |
| <input type="checkbox"/> Private Mediation | <input type="checkbox"/> Private Arbitration(RFA) |
| | <input type="checkbox"/> Binding |
| | <input type="checkbox"/> Non-Binding |

☐ Counsel and the parties have selected/stipulated to _____ to act as neutral for the selected ADR process.

Counsel and the parties further stipulate:

1. All parties have been served and intend to submit to the jurisdiction of the court;
2. All parties have agreed to a specific plan for sufficient discovery to make the ADR process meaningful;
3. Defendant(s)first appearance fee has been paid or will be submitted with this Stipulation and Order;
4. Copies of this Stipulation and self-addressed stamped envelopes are provided for returning file-stamped copies to counsel and the parties;
5. Case Management Conference Statements are fully completed and submitted with this stipulation;
6. Judicial Arbitration referral fee of \$150 is submitted with this stipulation; and
7. All parties are aware that a request for continuance of the ADR deadline established by this Stipulation and Order is discouraged, and the request may be denied if, in the judgment of the court, a case management conference should be held at the re-scheduled date set forth below.

Counsel for Plaintiff(print name)

Counsel for Defendant(print name)

Signature

Signature

Counsel for Plaintiff(print name)

Counsel for Defendant(print name)

Signature

Signature

Pursuant to the Stipulation of the parties, the Case Management Conference set for _____ is vacated and rescheduled for _____ at 9:00am and the above case is referred to _____, ADR provider. <p align="center">JAMES B. PERRY, COURT EXEUCTIVE OFFICER</p> Dated: _____ <p align="center">Deputy Clerk</p>	
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NEW INFORMATION

CASE MANAGEMENT CONFERENCE POLICIES

Introductory note. Case management procedures and the case management conference (CMC) are used by the court to expedite the movement of most civil cases through to early resolution or trial. Counsel are expected to be thoroughly familiar with the policies to implement Local Rule 13 which are described below. (NOTE: Local Rule 13 is being revised to incorporate in detail many of the policies which are set out below. A new rule is expected to be in effect in July, 2006. A comment period will be noticed to the public on the court's website in April.)

CMC Policies.

A case management conference (CMC) will be set by the clerk at the time the complaint is filed. Ordinarily, it will be 120 days after the filing. All cases, limited and unlimited, are required to participate in a CMC. (Uninsured motorist cases are governed by Local Rule 13.10.)

Attendance at the CMC is required, personally or telephonically. See, [Using CourtCall](#) (on the court's website) to appear by phone. In almost all cases a trial date will be set at the CMC. Trial counsel and back up trial counsel must be specified at the CMC. (If such counsel is not identified, relief from the scheduled trial date may not be based on the ground that counsel is engaged elsewhere.)

The Case Management Statement must be **filed 15 days prior** to the scheduled CMC and should fully address all of the issues set forth in the [Judicial Council form CM 110](#). Timely and complete Statements will facilitate the CMC and benefits the parties, counsel and the court. *Counsel are cautioned that henceforth the court will not tolerate late filing of the CM Statement and that repeated lateness will be subject to sanctions.*

In addition, the court encourages the parties to elect a form of alternative dispute resolution (ADR) prior to the CMC. Every case management statement will be reviewed by the ADR Administrator for appropriate ADR consideration or referral to ADR, which shall be reported to the CMC judge prior to the initial CMC. (See, the [ADR and Case Management](#) and [Alternative Dispute Resolution](#) links for more information.)

The CMC judge will deem the case at-issue at the time of the CMC (CRC 209(a)) absent a showing of extraordinary circumstances.

At the CMC, you may expect the CMC judge to make appropriate pre-trial orders on any of the following matters:

- An order referring the case to arbitration, mediation or other dispute resolution process, or a referral to the ADR Administrator for mandatory dispute resolution education.
- An order assigning a trial date. (Counsel are required to be prepared to select a trial date at the CMC.)
- An order transferring the case to the limited jurisdiction of the Superior Court;
- An order identifying the case as one which may be protracted and determining what special administrative and judicial attention may be appropriate, including special assignment;
- An order identifying the case as one which may be amenable to early settlement or other alternative disposition technique;
- An order of discovery; including but not limited to establishing a discovery schedule, assignment to a discovery referee, and/or establishing a discovery cut-off date;
- An order scheduling the exchange of expert witness information;
- An order scheduling a subsequent CMC; and
- Such other orders to achieve the interests of justice and the timely disposition of the case.

Orders to ADR are intended to implement the ADR process which began with the filing of the complaint. When cases are filed, counsel are advised of the ADR processes in educational/procedural materials delivered by the court clerk. These must also be served on the defendant. The goal is to move as many cases to judicial arbitration or voluntary ADR as possible prior to or at the CMC and to have the cases resolved within the requirements of the Trial Delay Reduction Act. (See [Alternative Dispute Resolution](#) on the court's website.)

POLICIES UNDER THE CURRENT RULE 13 MAY BE AMENDED FROM TIME TO TIME. PLEASE CHECK THE COURT'S WEBSITE FREQUENTLY FOR ADVISORIES OF PROCEDURAL CHANGES AFFECTING THE CMC AND ADR PRACTICES.